

Article - Criminal Law

[\[Previous\]](#)[\[Next\]](#)

§7–308.

- (a) (1) In this section the following words have the meanings indicated.
- (2) “Deliver” means to sell, rent, distribute, or circulate.
- (3) “Performance” includes a live performance and a performance that is transmitted by wire, radio, or television.
- (4) “Recorded article” means a phonograph record, disc, wire, tape, film, videocassette, or other article on which sounds are recorded or otherwise stored.
- (b) (1) This subsection applies only to sound recordings initially fixed before February 15, 1972.
- (2) Except as otherwise provided in this section, a person may not knowingly transfer or cause to be transferred any sounds recorded on a recorded article to any other recorded article:
 - (i) with the intent to sell or cause to be sold for profit or used to promote the sale of any product; and
 - (ii) without the consent of the owner of the original fixation of sounds embodied in the master recorded article.
- (c) Except as otherwise provided in this section, a person may not knowingly deliver, offer for delivery, possess for delivery, cause to be delivered, cause to be offered for delivery, or cause to be possessed for delivery a recorded article or device:
 - (1) on which sounds have been transferred without the consent of the owner of the original fixation of sounds embodied in the master recorded article; or
 - (2) embodying a performance without the consent of the performer.
- (d) (1) Except as otherwise provided in this section, a person may not knowingly transfer to or cause to be transferred to a recorded article on which sounds or images have been transferred or stored any performance:

(i) with the intent to sell or cause to be sold for profit or used to promote the sale of any product; and

(ii) without the consent of the performer.

(2) A person may not knowingly deliver, offer for delivery, or possess for the purpose of delivery a recorded article on which sounds or images have been transferred or stored, unless the recorded article bears in a prominent place on its outside face or package:

(i) the actual name and street address of the transferor of the sounds or images; and

(ii) the actual name of the performer or group.

(e) Except in the lobby area of a motion picture theater, a person may not knowingly operate an audiovisual recording function of a device in a motion picture theater without the consent of the owner or lessee of the theater.

[\[Previous\]](#)[\[Next\]](#)